



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TRG  
Docket No: 1833-00  
13 December 2000

[REDACTED]

Dear P [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command, dated 20 July 2000, a copy of which is enclosed.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. On 10 August 2000 you were informed that the Board could consider retirement under the provisions of the Temporary Early Retirement Authority (TERA) despite the recommendation in the advisory opinion. At that time, you were requested to provide a possible effective date for such a retirement. However, you have never responded. In the absence of an agreed upon retirement date, the Board could not even consider the issue of retirement under TERA. Therefore, the Board substantially concurred with the comments contained in the advisory opinion.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval

record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1830  
Pers823  
Ser 1041  
20 Jul 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: COMMENTS AND RECOMMENDATIONS ICO [REDACTED]

Ref: (a) Pers-00XCB ltr of 21 June 2000

Encl: (1) BCNR File with Microfiche Service Record  
(2) NPC ltr 7220 Pers823 Ser 800 of 14 Dec 1999

1. Reference (a) requested comments and recommendations in subject member's case. Specifically, Petitioner requests transfer to the Fleet Reserve under the provisions of the Temporary Early Retirement Authority (TERA).
2. The facts surrounding this case are as follows:
  - a. On 27 Feb 1997, BUPERS prepared a statement of service to correct his Active Duty Service Date (ADSD) to 30 March 1980.
  - b. Based on the corrected ADSD, Petty Officer Whitten requested transfer to the Fleet Reserve effective on 31 March 2000 on 25 June 1999. BUPERS acknowledged his request on 25 June and tentatively approved his request on 28 June 1999 pending completion of his statement of service.
  - c. During statement of service computation, it was determined by BUPERS that Petty Officer Whitten was not eligible for retirement until Feb 2002 and cancelled his retirement request.
  - d. A recomputation of his statement of service was completed by the Head, Enlisted Retirements, enclosure (2) refers, adjusting his ADSD from 30 March 1980 to 19 February 1982.
  - e. Petty Officer Whitten requested transfer to the Fleet Reserve under the TERA program on 17 December 1999, however it was disapproved on 11 January 2000 due to the program no longer being funded.

3. It appears, after review of all the facts in the case, that [REDACTED] made his retirement decisions including plans concerning his retirement ceremony and civilian employment based on information provided by the Bureau of Naval Personnel. However, the TERA program is still not available due to its non-funded status and no plans exist to request funding for its execution in the near future.

4. Based on the facts above, it is recommended that his petition for transfer to the Fleet Reserve under the provisions of the TERA program be denied. Enclosure (1) is returned.

[REDACTED]  
Head, Enlisted Retirements Branch



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

7220  
Pers823  
Ser 800  
14 Dec 99

From: Navy Personnel Command (Pers-823)  
To: Commanding Officer, Naval and Marine Corps Reserve Center, Green Bay

Subj: STATEMENT OF SERVICE ICO [REDACTED]

Ref: (a) MILPERSMAN Article 7220-020

Encl: (1) Statement of Service

1. In accordance with reference (a), enclosure (1) is forwarded for your information and action as appropriate.
2. Review of enlisted master file indicates that [REDACTED] Active Duty Service Date (ADSD) is incorrect and requires the appropriate SDS or DMRS entries to correct. Verified ADSD is 19 February 1982 vice 30 March 1980.
3. This statement of service supersedes all prior statements of service.

[REDACTED]  
By direction [REDACTED]